

- If the voter votes by using an affidavit listed under sections (a) or (b) above, indicate beside the voter's name on the poll list that the voter was accepted pursuant to Section 63.009. [Sec. 63.009(b)]
 - *Stamp the voter's voter registration certificate, if available, with the party affiliation in a primary election. Otherwise, give voter a certificate of party affiliation. [Sec. 162.004(b)]*
- NOTE:** *The party affiliation certificate is not required to be issued to a voter in a runoff primary election unless he or she requests it. [Sec. 162.004(c)]*
- Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]

SITUATION 9. Provisional Voter

1. The following individuals are eligible to vote a provisional ballot, in which case a Provisional Voter Affidavit Envelope must be completed: [Sec. 63.011]
 - (a) An individual who claims to be properly registered and eligible to vote, but whose name does not appear on the list of registered voters and whose registration cannot be determined by the voter registrar; or
 - (b) An individual who is on the list of registered voters, but who is unable to produce a voter certificate or the required identification; or
 - (c) An individual who is not on the list, and is registered in another precinct; or
 - (d) An individual who is marked on the list as having voted by mail, but indicates they did not apply for nor return the ballot;

NOTE: A voter may cast a provisional ballot at a polling place if he or she executes an affidavit stating he or she is a registered voter in the precinct AND did not vote early by mail. [Sec. 63.011] If a voter wants to cast a regular ballot instead, he or she must proceed to the main early voting clerk to cancel mail ballot. [Sec. 84.032]

 - (e) An individual who votes during extended polling hours ordered by a state or federal court; or
 - (f) An individual who is required to present a form of identification because the individual did not present a voter registration certificate; or
 - (g) A voter who is registered in the precinct but whose registered residence address is not located in the political subdivision conducting the election.
 - (h) A voter who voted in another party's primary.
2. If a voter is eligible to vote a provisional ballot, the presiding judge must immediately inform the voter of his or her right to cast a provisional ballot. [1 T.A.C. §§ 81.172-81.74]
3. If the voter's name does not appear on the list of registered voters and the voter claims to be a registered voter, the presiding judge shall call the voter registrar to determine if the voter is registered (if a phone is available in the polling place). If the voter is in fact registered in the precinct, follow procedures in Situation 2. If the voter is registered in another precinct, advise the voter of the correct polling place.
4. The presiding judge must also inform the voter that the voter's provisional ballot will not be counted if the voter is registered in a different precinct. [1 T.A.C. §§ 81.172-81.74]
5. The presiding judge shall request that the voter present proof of identification (refer to list of acceptable identification on page 11). If the voter has no identification, he or she may still be permitted to vote a

6. Prior to casting a provisional ballot, the presiding judge must instruct the voter to complete and sign the provisional ballot affidavit. [1 T.A.C. §§ 81.172-81.74]
7. The presiding judge shall enter the provisional voter's name on the List of Provisional Voters. [1 T.A.C. §§ 81.172-81.74]
8. The presiding judge shall add the name of the provisional voter to the poll list (or combination form) and check the column labeled "Provisional." [1 T.A.C. §§ 81.172-81.74]
9. The presiding judge shall have the provisional voter sign the signature roster (or combination form). [1 T.A.C. §§ 81.172-81.74]
10. The presiding judge shall check the applicable reason under which the voter voted provisionally on the provisional affidavit envelope.
11. The presiding judge shall sign the provisional ballot envelope. [1 T.A.C. §§ 81.172-81.74]
12. The presiding judge shall direct the voter to choose a ballot from a stack of official ballots stamped or marked "provisional" or shall direct the voter to accessible voting equipment designated for provisional voting, if available. [1 T.A.C. §§ 81.172-81.74]
13. The presiding judge shall direct the voter to place the voted provisional ballot into the white secrecy envelope, and then into the provisional ballot envelope. The presiding judge must inform the voter that any provisional ballots placed into the ballot box that are not sealed in a provisional ballot envelope will not be counted. If voter is casting a provisional ballot electronically, then this step does not apply. [1 T.A.C. §§ 81.172-81.174]
14. The presiding judge shall give the voter the "Notice to Provisional Voter" form, which explains that the voter will receive notice in the mail informing the voter whether the provisional ballot was counted. [1 T.A.C. §§ 81.172-81.174]
15. The voter deposits the provisional ballot sealed in the provisional ballot envelope into the designated ballot box or other secured container or voter shall cast their votes directly on accessible voting equipment, if designated for such purpose.

SITUATION 10. Early Voting Cancellation
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1. If a voter whose name appears on the precinct list of early voters who had been sent an early voting ballot by mail presents himself or herself for voting at the polling place, the election official may allow the voter to vote a provisional ballot, but only if the voter executes the provisional affidavit swearing that they are registered to vote and have not already voted early by mail.
2. The voter may also cancel his or her application to vote by mail at the polling place and vote a regular ballot if the voter surrenders his or her mail ballot to the presiding judge. [Sec. 84.032]
 - To cancel an application to vote by mail at the polling place, the voter must complete the "Request to Cancel Application to Vote by Mail" and surrender his or her mail ballot to the election official. The presiding election judge must review the request and write "CANCELLED" on the returned ballot. The judge should place the cancelled ballot and the request in the envelope for cancelled applications. If the voter's request to cancel does not comply, the election judge must state on the request the reason it was denied and place the request in the envelope for requests of cancelled applications. The judge must then deposit the envelope in Ballot Box No. 4 or other designated container prior to delivering the box to the general custodian of election records.

- If the voter insists they did not apply, receive, or vote a ballot by mail and insist on voting at the polling place, the election judge must inform the voter of their right to vote a provisional ballot. (See Situation 9.)
- 3. The voter may also cancel his or her application to vote by mail at the polling place and vote a regular ballot by going to the early voting clerk's office to cancel their application if he or she requested an application but does not have the actual ballot to surrender to the presiding election judge.

SITUATION 11. Early Voting – Notice of Defective Delivery
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Additionally, if a voter whose name appears on the precinct list of early voters who had been sent an early voting ballot by mail presents himself or herself for voting at the polling place, the election official may allow the voter to vote a regular ballot if the voter presents a “**Notice of Defective Delivery.**” This form indicates that the voter attempted to vote by mail and the mail ballot was rejected because it was delivered to the early voting clerk improperly. If the voter presents you with this Notice, you should qualify the voter and allow him or her to vote in the normal manner. The Notice itself is placed in Envelope No. 2 and returned to the general custodian of election records. [Sec. 86.006(h)]

CHAPTER 3

VOTING

The voter must be allowed to cast his or her vote in a voting booth that provides privacy for him or her while marking his or her ballot. [Sec. 51.032]

SECTION A. PERSONS ALLOWED INSIDE THE POLLING PLACE

1. Election judges and clerks. [Secs. 32.071, 32.072]
2. Poll watchers and inspectors. [Secs. 33.052, 34.002]
3. Peace officers summoned or appointed by the presiding judge to preserve order. [Sec. 32.075]
4. Persons admitted to vote. [Sec. 63.001]
5. Children under 18 years old who are accompanying a parent who is admitted to vote. [Sec. 64.002(b)]
6. Persons admitted to provide assistance to or to interpret for a voter who is entitled to assistance or to an interpreter. [Secs. 61.032, 64.032(c), and 42 U.S.C.A. § 1973aa-6.]
7. Secretary of State and Staff. [Sec. 34.004]
8. Federal Observers. [Voting Rights Act, 42 U.S.C.A., Sec. 1973(f)]
9. Persons accompanying a disabled voter (curbside voting). [Sec. 64.009]
10. Election staff people delivering necessary supplies. [Sec. 51.004]
11. Sheriff delivering election supplies. [Sec. 51.009]
12. Persons approved to assist with electronic voting equipment. [Secs. 125.004, 125.006]
13. Emergency personnel, if needed.
14. Student participating in student election. [Sec. 276.007]
15. Officers specially appointed to assist in running student elections. [Sec. 276.007]
16. Voting system technicians. [Sec. 125.010]

NEW LAW: Senate Bill 1970 (81st Legislature) authorizes the presence of voting systems technicians at the polling place, EVBB, or central counting station for repairs, maintenance, assembling or operating voting system equipment.

NOTE: No one may be permitted to be inside the polling place unless specifically authorized by law. [Sec. 61.001] Election officials (other than the precinct election judge and clerks), party officials, or members of the media are not permitted to be in the polling place unless they are voting or fall into one of the other groups of persons listed above, who are permitted to be in the polling place. Loitering within 100 feet of an outside door through which a voter may enter during the voting period is prohibited. [Sec. 61.003]

It is a Class C misdemeanor for a **candidate** to be present in a polling place during early voting or on election day, unless the candidate is voting, assisting a voter, or conducting official business within the building in which the polling place is located. If the candidate is not in the building for one of these reasons, they will not violate the section if they are not engaged in

campaign activity, and are not within plain view or hearing of persons waiting to vote or persons voting. [Sec. 61.001]

SECTION B. GENERAL INSTRUCTIONS TO A VOTER

1. Any voter may ask any election official for information on voting procedures within the polling place or on how to prepare the ballot. [Sec. 61.009]
2. The voter should be cautioned that the use of any other voting equipment and/or markers not provided by the election officials may render his or her ballot invalid, except when write-in votes are permitted.
3. Election officials should provide required information in such a way as not to suggest by word, sign, or gesture how the voter should vote. A person commits a Class B misdemeanor offense if he or she knowingly suggests to a voter how to vote. [Sec. 61.008]
4. Poll watchers and inspectors may observe any instructions given by election officials. [Secs. 33.056(a), 34.002(a)]

SECTION C. RENDERING ASSISTANCE TO A VOTER

1. Voters who are eligible for assistance.
 - a. Any voter who is physically unable to mark his or her ballot. [Sec. 64.031, 42 U.S.C.A. § 1973aa-6]
 - b. Any voter who cannot read the languages on the ballot. [Sec. 64.031, 42 U.S.C.A. § 1973aa-6]
2. Manner of rendering assistance.
 - a. A voter entitled to assistance may choose any person as his or her assistant except the voter's employer, or agent of that employer, or officer or agent of the voter's union. [Sec. 64.032(c); 42 U.S.C.A. § 1973aa-6] Such person must be permitted to serve as an assistant regardless of:
 - The fact that that person has already assisted another voter;
 - The residence of that person;
 - The citizenship of that person;
 - The voter registration status of that person; or
 - The age of that person.
 - (1) No other person except for the person rendering assistance is permitted to be present while the voter prepares his or her ballot. [Secs. 33.057(b), 34.002(b), 64.002, 64.032]
 - (2) The person who is to provide assistance must first take an oath of assistance administered by one of the election officials. [Sec. 64.034]

"I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; and I will prepare the voter's ballot as the voter directs."
 - (3) The name and address of the person rendering assistance must be entered next to the voter's name on the poll list. However, the name and address of election officials assisting voters do not have to be recorded on the poll list. [Sec. 64.032(d)]

- (4) An election official must ask the voter if he or she wants to have the entire ballot read, and if he or she does, the official must instruct the person who is rendering assistance to read the entire ballot to the voter. [Sec. 64.033(b)]
- b. Definition of Assistance: [Sec. 64.0321]
- (1) reading the ballot to the voter;
 - (2) directing the voter to read the ballot;
 - (3) marking the voter's ballot as directed by the voter; or
 - (4) directing the voter to mark the ballot.
- c. A voter who is eligible for assistance but who does not choose a person to assist him or her may receive assistance from two election officials. [Sec. 64.032(a)]
- (1) Election officials must be administered an oath of assistance before rendering assistance. Election officials only have to take the oath once, and it can be administered along with the oaths of election officers at the beginning of the day. [Sec. 64.034]
- "I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; and I will prepare the voter's ballot as the voter directs."
- (2) When two election officials assist a voter, the entire ballot must be read to the voter unless the voter tells the officials that he or she desires to vote only on certain offices or measures. [Sec. 64.033(a)]
 - (3) Poll watchers and inspectors can observe the assistance rendered by election officials, and a poll watcher may inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes. [Secs. 33.057(a), 34.002]
 - (4) If the election is a November general election, each election official providing assistance must be of a different political party unless there are not two or more officials serving the polling place aligned with different parties. [Sec. 64.032(b)]
- NOTE:** It is recommended that one of the two election officials rendering assistance be the presiding judge.
- d. Curbside voting.
- (1) If a voter is physically unable to enter the polling place without assistance or likelihood of injury to his or her health, one election official may deliver a ballot to the voter at the entrance or curb of the polling place. [Sec. 64.009(a)]
- Poll watchers and inspectors must be allowed to accompany the election official. [Secs. 33.056(a), 34.002(a)]
 - The voter must be qualified by the election official before the voter can receive the ballot. [Sec. 64.009(b) and (c)]
 - Once the voter has marked his or her ballot, the election official deposits the ballot for the voter. [Sec. 64.009(c)]
- NOTE:** On the voter's request, a person accompanying the voter to the polling place must be permitted to select the voter's ballot and to deposit the ballot in the ballot box after the voter has voted. [Sec. 64.009(d)]

- (2) If the voter is not only physically unable to enter the polling place, but is also eligible for voter assistance in marking his or her ballot:
- Two election officials may assist the voter; [Sec. 64.032(a)] or
 - The voter may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. [Sec. 64.032(c); 42 U.S.C.A. 1973aa-6]
 - Make sure to allow the curbside voter the same privacy as a voter at the voting booth.

SECTION D. USING ENGLISH AND INTERPRETERS

1. All election officials, while on duty at the polling place, must use English, except when helping a voter who does not understand English. Whenever English is not used either by a voter or by an election official, any other election official or a poll watcher, upon request, must receive an English translation of anything spoken. [Secs. 61.031, 61.036]
2. If a voter cannot communicate in English, an election official may communicate with the voter in a language the official and the voter understand. [Sec. 61.031(b)]
3. An interpreter may be used when the voter and the election official(s) attending to the voter cannot speak the same language. [Sec. 61.032]
 - a. The voter may select an interpreter who must be a registered voter of the county. [Sec. 61.033]
 - (1) An interpreter may interpret for any number of voters.
 - (2) For each voter, the interpreter must take the oath of interpreter. [Sec. 61.035]
 - b. The interpreter may be a person provided by the authority conducting the election. However, even if an interpreter is provided, a voter may use an interpreter of his or her own choosing. [Sec. 61.032]
4. If no interpreter is available at the polling place, the authority responsible for appointing the election judges may have appointed an interpreter to serve at a central location to provide assistance for Spanish-speaking voters and voters speaking any other languages required by the federal government based on the most recent federal census. [Sec. 272.009]

NOTE: *In a primary election, the county chairs of each party holding the primary shall each appoint their own interpreter to serve at a central location. [Sec. 272.009(b)]*

SECTION E. MISCELLANEOUS PROVISIONS

Written Communication

Written communications may be used by voters inside the polling place. Election officials must periodically check each voting station and common areas of the polling place for sample ballots or other written materials pertaining to the election that may have been discarded by previous voters. [Sec. 61.011]

Electioneering and Loitering

It is unlawful for any person to electioneer or loiter within the boundary established by the distance markers. An offense is a Class C misdemeanor. [Secs. 61.003] Neither election officials nor peace officers may enforce electioneering or loitering statutes outside the 100 ft. distance marker. [Sec. 32.075]

1. It is the duty of the presiding judge to prevent unlawful electioneering or loitering. [Sec. 32.075(a)]
2. A special peace officer may be appointed by the presiding judge to preserve order. [Sec. 32.075(b)]

3. Approval of the appointment of the special peace officer by the presiding officer of the local canvassing authority is needed before this officer can enforce electioneering and loitering laws. [Sec. 32.075(b)]

NOTE: Exit polling without electioneering is permissible outside the polling place but within the distance markers. However, the judge has discretion to tell persons conducting exit polls to go beyond the distance markers if their activities are disruptive to voters.

A candidate seeking petition signatures may not do so within the 100 ft. distance marker.

4. Election judges, clerks, state or federal election inspectors, and peace officers must wear name tags or official badges **while on duty** to indicate the person's name and title or position. [Sec. 61.010(b)] The tags should be in your election kit. If you do not have tags, you may create your own. Please note that poll watchers are not allowed to wear name tags.

Except for the individuals listed above, a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located. Therefore, election judges and clerks, federal and state inspectors, and peace officers are the only persons allowed to wear a badge. Wearing an unauthorized name tag or badge within the polling area is a Class C misdemeanor. [Sec. 61.010]

Revealing Information

1. No one connected with the conduct of the election may reveal any of the following information while the polls are open:
 - The names of voters who have or have not voted in the election. [Sec. 61.007(a)(4)]
 - The number of votes cast that have been received by individual candidates and/or for or against propositions. [Sec. 61.007(a)(1)]
 - A candidate's position relative to other candidate's in the tabulation of the votes or whether a measure is passing or failing. [Sec. 61.007(a)(2) and (3)]
 - Unlawfully revealing the above information is a Class A misdemeanor.
2. Election judges must post information about the number of voters who have voted at two-hour intervals beginning at 9:30 a.m. and running through 5:30 p.m. Post the notice next to the entrance to the polling place. [Sec. 61.007(c)]

Influencing a Voter

1. No one connected with the conduct of the election may indicate by sign, symbol, word, or writing to any voter how he or she should or should not vote. [Sec. 61.008] This includes:
 - interpreters;
 - assistants; [Sec. 64.034]
 - poll watchers; and [Sec. 33.058(a)]
 - inspectors.
2. An offense under this section is a Class B misdemeanor. [Sec. 61.008(b)]

Unlawful Use of a Sound Amplification Device

It is unlawful for a person to use any sound amplification device (e.g., loudspeaker) for political speech or electioneering within 1,000 feet of the polling place. [Sec. 61.004]

Use of Cell Phones and Other Wireless Communication Devices

1. The use of wireless communication devices (e.g., cell phones) are prohibited in the polling place, except as used by polling place officials and persons employed in the building where the polling place is located.
NEW LAW: House Bill 1493 creates an exception to the prohibition of electronic devices in the polling place for persons employed in the building where a polling place is located. [Sec. 61.014(d)]
2. The election judge must post a notice of the prohibition against use of wireless and recording devices where voters are waiting to vote.
3. A poll watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place and promptly returns. [Sec. 33.052(b)] [Sec. 62.011]

SECTION F. CASTING THE BALLOT

1. A voter who makes a mistake while marking his or her ballot may take the spoiled ballot to an election official and exchange it for a new ballot. [Sec. 64.007(a)]
NOTE: A voter may spoil up to 2 ballots and vote a third ballot. [Sec. 64.007(b)]
2. The election official shall put the name of the voter and the ballot number on the register of spoiled ballots, indicate on the ballot it is spoiled, and place the spoiled ballot in Ballot Box No. 4.
3. After the voter has prepared his or her ballot, the voter folds the ballot in such a way that the back of the ballot, which contains the presiding judge's signature, is exposed and deposits the folded ballot into the ballot box provided for the deposit of voted ballots and leaves the polling place. [Sec. 64.008]

NOTE: When optical scan ballots are used, the ballots should not be folded as folding the ballots make it difficult for the tabulator to read the voter's marks.

CHAPTER 4

EXAMINING, PREPARING, AND COUNTING VOTED BALLOTS

1. The procedures you follow at your precinct for managing ballots and preparing and distributing records will depend on how and where ballots are counted as follows:
 - Optical Scan Tabulator at the polling place;
 - Optical Scan Tabulator at the central counting station, regional substation, or at the appropriate authority, as applicable;
 - Hand-count at the precinct; and/or
 - DRE or other accessible voting equipment at the precinct.
2. Each voter will mark a paper ballot by hand or by using an electronic ballot marker and then place it in either an optical scan tabulator or a ballot box, depending on your precinct and jurisdiction. Alternatively, voters may vote directly on a DRE machine.
3. The Optical Scan Tabulator at the precinct electronically reads each vote on each paper ballot as it is fed into the machine. The tabulator provides a total of votes for each candidate and measure on the ballot.

SECTION A. PROCEDURES FOR COUNTING OPTICAL SCAN BALLOTS, INCLUDING WRITE-IN BALLOTS, AT POLLING PLACE USING PRECINCT BALLOT COUNTERS

1. After the polls close, the election judge must close the precinct ballot counter machine and secure it so that no additional ballots may be deposited.
2. The election judge must produce 2 copies of the election returns from the machine, which keeps a total of the votes cast for each candidate and measure on the ballot.
3. After the returns have been produced, the election judge must secure the machine with lock and seal.
4. If votes are accumulated at a central counting station, the election judge must remove the memory card (or other device which stores the election totals) from the machine, document the breaking of the seal to remove the memory card and place one copy of the returns, along with the memory card into the appropriate envelope (or other container designated by the authority conducting the election); we recommend documentation of these events by at least two election officials. The election judge must seal the envelope and sign across the seal. One election official and at least one poll watcher, if applicable, must sign the envelope.
 - (a) The counted ballots must first be reviewed for irregularly-marked ballots after tabulation. If the election officials discover more than one irregularly-marked ballot that the tabulator could not accurately tabulate, then the election officials must separate all the irregularly-marked ballots from the others, and bring all the ballots to the central counting station, where the irregularly-marked ballots must be duplicated. The duplicated ballots must then be substituted for the original ballots and automatically counted with the rest of the ballots at the central counting station.
 - (b) If one ballot has been irregularly-marked, then that ballot must be placed in an envelope prescribed by the Secretary of State and delivered to the central counting station. The election officials at central count must examine this irregularly-marked ballot and make adjustments to the totals certified by the precinct election judge to indicate the intent of the voter. The election results for this precinct are then manually entered into the election processing system. The envelope containing the irregularly-marked ballot must be placed in the ballot box with the regularly-marked ballots and preserved for the preservation period. [Sec. 127.157]

(c) Below are examples of irregularly-marked ballots:

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Example 1. Illustration of the scratch method.

(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate		
Sixth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Eighth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Example 2. Illustration of lack of knowledge of intent of voter.

(No portion of this ballot is counted.)

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			* <input checked="" type="checkbox"/> <u>Joe Doe</u>
Fourth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Fifth Office	* <input checked="" type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Example 3. Illustration of voter voting straight party but votes for a declared write-in.

(The asterisks indicate the candidates for whom the ballot is counted)

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		* <input type="checkbox"/> <u>Joe Doe</u>
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/> _____
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			

Office					
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Example 4. Illustration of voter failing to mark an "X" in the write-in box. The write-in vote may be counted if the presiding judge can determine intent of voter.

(The asterisks indicate the candidates for whom the ballot is counted)

5. Manually Counting Precinct Count Optical Scan Ballots (if instructed to count ballots taken from precinct counter and/or to count write-in votes; note this is not very typical)
 - If the tabulating equipment is not working properly and if the presiding judge concludes that it will not be possible to use a precinct ballot counter, the election officials must either manually count all voted ballots or deliver the ballots for tabulation at a central counting station. At the direction of the authority conducting the election, write-in voting may be counted at the polling place. The rules for manually counting ballots are listed below:
 - (a) If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. (See oath on page 2.)
 - (b) Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out, which includes the following:
 - names and offices of candidates; and/or
 - date;
 - propositions;
 - precinct number;
 - type of election;
 - name of presiding judge; and
 - signature of the person keeping the tally list.
 - (c) Before the counting begins, the ballot box or other designated container should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers. [Sec. 62.005]
 - (d) If a ballot is not counted because two or more marked ballots were folded together or because the judge determines the ballot was not provided to the voter at the polling place, an election official must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(e)]

NOTE: If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.
 - (e) The official designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]
 - (f) The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005(a)]
 - The failure of a voter to mark his or her ballot in strict conformity with the law does not invalidate the ballot. [Sec. 65.009]
 - The failure of a voter to vote a full ballot does not invalidate the ballot. [Sec. 65.009]
 - A ballot shall be counted on all races and propositions where the intent of the voter is clearly ascertainable, except where the law expressly prohibits the counting of the ballot. [Sec. 65.009]
 - If a provisional ballot is found outside a provisional ballot affidavit envelope, the ballot shall not be counted. [Sec. 65.005(d)]

-- An individual vote is not counted if:

- (1) The intent of the voter cannot be determined. [Sec. 65.009]
- (2) The voter marked more than one candidate for one race, except in municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race. [Sec. 65.011]
- (3) The voter voted for more candidates than the number of persons to be elected to an office in a municipal, school board, or other political subdivision election where he or she was entitled to vote for more than one candidate in the same race. [Sec. 65.011]
- (4) The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
- (5) *The election is the primary election for the office of precinct chair or county chair, a November general election, city council officer elections, an independent and common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Education Code; Sec. 285.131, Health and Safety Code; Secs. 326.0431 & 326.0432, Local Government Code; Secs. 36.059, 49.101, 63.0945, Water Code]*
- (6) *The election is a primary and the voter writes in a vote for a candidate for public office; only write-in votes for declared candidates for party officer of county chair and precinct chair may be counted. [Sec. 172.112]*
- (7) The election is a runoff election and the vote is a write-in. [Sec. 146.002]
- (8) The voter did not vote for both the presidential and vice-presidential candidate of the same party, except when the voter writes in the name of a declared write-in presidential candidate the vote shall be counted even if the name of the corresponding vice-presidential candidate is not written in. [Sec. 192.037]

-- A ballot is not counted if:

- (1) The intent of the voter cannot be determined for any races or propositions on the ballot. [Sec. 65.009]
- (2) Two or more marked ballots are folded together. [Sec. 65.010]
- (3) The ballot is not numbered and the presiding judge determines that the ballot was not provided at the polling place. [Sec. 65.010]
- (4) The ballot was not deposited in the ballot box. [Sec. 65.010]

-- Failure to mark a ballot in strict conformity with this code does not invalidate the ballot. A vote shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]

- (g) As each vote is read, a tally mark is made by the corresponding name or number on the tally sheets. [Sec. 65.005(a)]
- (h) The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]
- (i) When the reader has completely read and announced all votes on the ballot, he or she deposits the ballot in the ballot box or other designated container. [Sec. 65.012(a)]

- (j) Any voted ballot not counted is deposited in the ballot box or other designated container. [Sec. 65.012(b)]

NOTE: The presiding judge or the counting clerk(s) must make a note on the back of any voted ballot not counted indicating why that ballot was not counted. [Sec. 65.010(c)]

- (k) Tallying straight ticket votes.

- Count a straight ticket ballot by tallying the party receiving the vote instead of tallying each party's candidate. [Sec. 65.007(b)]
- A straight ticket ballot is one where the voter marks a party with the intent that all candidates of the party will receive his or her vote. [Sec. 1.005(20)]

SECTION B. PRE-LOCKED, PRE-SEALED BALLOT BOX PROCEDURES FOR OPTICAL SCAN BALLOTS COUNTED AT A CENTRAL COUNTING STATION [Sec. 127.061]

1. Locked ballot box(es) are not opened at the polling place for any reason. [Secs. 127.066(c), 127.068(a)]
2. The voters deposit their ballots directly into ballot boxes. It may be necessary to shake the box to allow the ballots to settle to the bottom.
3. After the polls close, insert the ballots attached to form labeled "Spoiled or Mutilated" into the ballot box through the ballot box slot. The ballot box should remain locked.
4. Seal the ballot box slot with a paper seal. The presiding judge, election clerk, and two poll watchers of opposing interests, if present, sign the seal. [Sec. 127.066(b)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.
5. Deliver the ballot boxes as directed to the central counting station, or regional substation, where ballots will be examined and counted.
6. The examination and processing of ballots takes place at the central counting station rather than at the polling place. [Sec. 127.069]
7. The authority conducting the election may provide by order, resolution, or other official action that the processing of optical scan ballots will begin while the polls are open for voting on election day and may have the ballot boxes containing voted ballots delivered to the central counting station at stated intervals during the day or at one time after the polls close. Otherwise, deliver all boxes at one time after the polls close. [Sec. 127.124]

SECTION C. PRELIMINARY COUNTING PROCEDURE FOR HAND COUNTED PAPER BALLOTS

1. The presiding judge may tell the counting officers to start counting ballots if it is after 8:00 a.m. and there are more than 10 ballots in the box containing voted ballots. [Sec. 65.002(a), (b)]
 - a. If the counting of ballots has not yet started, it must start at 7:00 p.m. or when the polls close, whichever is later, and continue without interruption until all ballots are counted. [Sec. 65.002(c)]
 - b. Each counting team must consist of at least two people. [Sec. 65.001]

NOTE: You may keep track of the number of ballots cast by noting on the poll list when Ballot Boxes No. 1 and No. 2 are interchanged.

2. If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. [Sec. 62.003(b)] (See oath of election officials in Chapter 1 or in Section 62.003 of the Texas Election Code.)

3. Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out and include the following:
 - names and offices of candidates; and/or
 - propositions;
 - date;
 - precinct number;
 - type of election;
 - name of presiding judge; and
 - signature of the person keeping the tally list.
4. Before the counting begins, Ballot Box No. 3 should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers.
5. No marks should be made on any ballot by an election official, except that if a ballot is not counted, an election official must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(c)]

SECTION D. THE COUNTING PROCEDURE FOR PAPER BALLOTS

1. The counting officers should open the ballot box containing voted ballots as soon as it is received.
2. Provisional ballot envelopes, if any, must be separated from the ballots and placed in Ballot Box No. 4. [1 T.A.C. §§ 81.172-81.174]
3. The officer designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]
4. The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005]
5. Failure to mark a ballot in strict conformity with the Texas Election Code does not invalidate the ballot. A vote shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]
6. As each vote is read, a tally mark is made by the corresponding name or number on the tally lists. [Sec. 65.005]
7. The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]
8. When the reader has completely read and announced all the votes on the ballot, he or she deposits the ballot in Ballot Box No. 3. [Sec. 65.012(a)]
9. Any voted ballot that is not counted is also deposited in Ballot Box No. 3 with an indication on the back of the ballot as to the reason. [Sec. 65.012(b)]

SECTION E. RULES FOR COUNTING PAPER BALLOTS

(See generally Chapter 65 and Sections 64.003-64.006.)

1. The voter should mark his or her ballot by placing an "X" or other mark in the square beside each candidate, proposition, or party column for which he or she wishes to vote (See Figure 1). [Sec. 64.003]

(Primary Election Ballot) For Governor <input type="checkbox"/> Candidate A <input type="checkbox"/> Candidate B <input checked="" type="checkbox"/> Candidate C					
(General Election Ballot) Candidates for Governor <input type="checkbox"/> PARTY A <input type="checkbox"/> PARTY B <input type="checkbox"/> PARTY C <input type="checkbox"/> Independent <input type="checkbox"/> Write-In <input type="checkbox"/> Candidate A <input type="checkbox"/> Candidate B <input checked="" type="checkbox"/> Candidate C					

Figure 1. Illustrations of marked ballots.
 (The asterisks indicate the candidates for whom the ballot is counted.)

2. Election officials may not refuse to count a ballot because the voter marked his or her ballot by scratching out the names of candidates for whom, or the statement of propositions for which he or she did not want to vote (See Figure 2.) [Sec. 65.009(b)]

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 2. Illustration of the scratch method.
 (The asterisks indicate the candidates for whom the ballot is counted.)

3. In the general election, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be counted for that opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. [Sec. 65.007(c)] (See Figures 3 and 4.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 3. Illustration of ballot with one party square marked and individual candidates marked in one or more other columns.

(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Fourth Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 4. Illustration of Guideline No. 1.

One party square marked and individual candidates marked
in both that column and one or more other columns.

(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 1. Where both the party square and individual candidates are marked in the same party column, and individual candidates are marked in some other column, the election official must count a vote for all the party's candidates except for those whose opponents in other columns received individual votes, in which case the votes for the individuals in the other columns are counted.

Note: Individual marks always override the straight party mark. Individual marks are counted in lieu of straight party marks. In both Figures 3 & 4, individual tally marks are made for candidates rather than making a tally mark for the party.

4. Ballots not marked in conformity with the law.

- a. A vote must be counted if the intent of the voter is clearly ascertainable. [Sec. 65.009(c)] (See Figure 5.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Fourth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 5. Illustration of Guideline No. 2.

Two party squares marked and individual candidates also marked in one or more columns.

(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 2. Where more than one party square is marked, those votes may not be tallied, and the ballot may be counted only for candidates individually marked, if any. (If there are no candidates individually marked, no portion of the ballot is counted.) [Sec. 65.007(d)]

- b. An entire ballot cannot be voided if the intent of the voter can be determined for any one race or proposition on the ballot. [Sec. 65.009(c)]
- c. An individual vote is not counted in the following situations (see next two pages also):

- (1) An individual vote is not counted if the intent of the voter cannot be determined. [Sec. 65.009(c)]
- (2) An individual vote is not counted if the voter marked more than one candidate for one race.

In municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race, a ballot may not be counted if a voter has marked more candidates than are to be elected. [Sec. 65.011] A ballot is not invalid if the voter has marked fewer candidates than the number to be elected. [Sec. 65.009]

VOTE FOR NONE, ONE, TWO, OR THREE

- ☒ Candidate
- ☒ Candidate
- ☐ Candidate
- ☐ Candidate
- ☒ Candidate
- ☒ Candidate

Figure 6. Illustration of over-voting; voter has voted for more candidates than are to be elected. (No portion of this ballot is counted.)

VOTE FOR NONE, ONE, TWO, OR THREE

- *☒ Candidate
- ☐ Candidate
- *☒ Candidate
- ☐ Candidate
- ☐ Candidate
- ☐ Candidate

Figure 7. Illustration of under-voting, by which voter has voted for fewer candidates than are to be elected. (A vote is counted for each candidate receiving a vote.)

- (3) An individual vote is not counted if:
- (a) The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
 - (b) *The election is the primary election for the office of precinct chair or county chair, a November general election, city council officer elections, an independent or common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Education Code; Sec. 285.131, Health and Safety Code; Secs. 326.0431 & 326.0432, Local Government Code; Secs. 36.059, 49.101, 63.0945, Water Code]*
 - (c) *The election is a primary and the voter writes in a vote for a candidate for public office; only write-in votes for declared candidates for party officer of county chair and precinct chair may be counted. See Section d., (3) Write-in Votes below. [Sec. 172.112]*
 - (d) The election is a runoff election and a voter writes in any candidate's name; no write-in votes may be counted at a runoff election. [Sec. 146.002]
 - (e) The voter voted for the presidential candidate of one party and the vice-presidential candidate of another party or voted for the presidential or vice-presidential candidate of one party and wrote in the name of a candidate he or she desires to vote for instead of that candidate's running mate. [Sec. 192.037]

d. A ballot is not counted in the following situations:

- (1) A ballot is not counted if the intent of the voter cannot be determined. [Sec. 65.009] (See Figure 9.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Joe Doe
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input checked="" type="checkbox"/> Candidate		<input checked="" type="checkbox"/> Candidate		
Sixth Office	<input type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		
Seventh Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Eighth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 8. Illustration of lack of knowledge of intent of voter.
(No portion of this ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Fourth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 9. Illustration of Guideline No. 3.
Two party squares marked and no individual candidates marked.
(No portion of this ballot is counted.)

Guideline No. 3. Where more than one party square is marked, there is a contradiction as to party markings, and no portion of the ballot is counted.

- (2) A ballot is not counted if two or more marked ballots are folded together in a manner that indicates they were folded together when deposited in the ballot box by the voter. [Sec. 65.010(a)(2)]

NOTE: If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.

- (3) A ballot is not counted if the ballot is not numbered or not signed by the judge and the judge determines the ballot was not provided at the polling place. A ballot that is unnumbered or unsigned may be counted if the judge determines that it was provided at the polling place. [Sec. 65.010(a)(1) and (b)]
- (4) If a marked ballot is found in a location other than inside the ballot box, the entire ballot may not be counted. The election judge must make a notation on the back of the ballot as to the reason it was not counted. This ballot is then placed in Ballot Box No. 3 with other ballots that have been counted. [Sec. 65.010(a)(4)]
- (5) A provisional ballot is not counted if it is found by an election worker in the ballot box and it is not sealed in the provisional voter affidavit envelope. [T.A.C. §§ 81.172-81.174]

e. Tallying straight-party vote (See Figures 10, 11 and 12.)

- (1) Count a straight-party vote by tallying for the party receiving the vote instead of tallying for each party candidate(s). [Sec. 65.007(b)] However, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be tallied for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes (See Figures 3 and 4). [Sec. 65.007(c)] Do not tally a straight-party vote in this situation.
- (2) A straight-party vote is one where the voter marks a party with the intent that all candidates of this party will receive his or her vote. [Sec. 64.004]

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 10. Casting a straight-party vote by marking the party square.
(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 11. Casting a straight-party vote by marking individual squares of all nominees of a party.
(The asterisks indicate the candidates for whom the ballot is counted.)

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

Figure 12. Illustration of Guideline 4.

One party square marked and individual candidates in the party's column also marked.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 4. Where only one party square is marked, and names of any or all of that party's nominees are marked individually, but no candidate outside that party is marked, the ballot must be

counted as a vote for all nominees of that party whose square is marked. But do not count double the votes. This is often referred to as an "emphasis vote." Make a tally mark for the party.

(3) Write-in Votes.

- (a) *In the primary election for the office of precinct or county chair, a November general election, city council officer elections, an independent or common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates, the vote is not counted. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Education Code; Sec. 285.131, Health and Safety Code; Secs. 326.0431 & 326.0432, Local Government Code; Secs. 36.059, 49.101, 63.0945, Water Code]*

In a primary election, only count write-ins for declared write-in candidates for party offices, i.e., precinct and county chair. [Sec. 172.112]

If only one candidate files for precinct chair (for the ballot or as a write-in), the election for that office is not held and the county chair shall prepare a sign notifying voters that the candidate will be declared elected to the office at the time of the local canvass. An election officer shall post the sign in one or more locations in the polling place. [Sec. 171.0221]

- (b) In a runoff election, no write-ins are counted. [Sec. 146.002]
- (c) The first time a name is read, enter it on the tally list and also make a tally mark by the name. Each subsequent time the name is read, make a tally mark by the name. [Sec. 65.005(a)]
- (d) In all elections other than those listed in subsection (a) above, all write-ins are counted. [Sec. 146.001]

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/>
Second Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			* <input checked="" type="checkbox"/> Joe Doe
Fourth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Fifth Office	* <input checked="" type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Figure 13. Casting a write-in vote. Illustration of Guideline 5.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 5. Where voter marks straight party but votes for a declared write-in, the write-in vote is counted.

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		* <input type="checkbox"/> Joe Doe
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/>
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			

Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

Figure 14. Casting a write-in vote. Illustration of Guideline 6.
 (The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 6. Where voter fails to properly mark an "X" in the write-in box, the write-in vote may be counted if the voter has written in the name of the declared write-in candidate for elections where declarations are required or name of person in elections where they are not required and the presiding judge can determine the intent of the voter. [Secs. 52.070(e), 65.009]

A ballot voted where the voter only marked an "X" in the write-in square and did not write-in the name of a declared write-in candidate should not be counted.

SECTION F. USING DRE EQUIPMENT AT THE POLLING PLACE

Closing the polls that use electronic voting devices is different than closing polls that use paper ballots, and you will be provided detailed instructions for use of the equipment by the authority conducting the election. Below are some general guidelines that should be followed, along with the detailed instructions provided locally:

1. Perform the action necessary on each voting device to officially close the polls, so no more votes can be recorded;
2. Verify and document the public count on each voting device, and any other applicable device;
3. Verify that the public count(s) equal the number of voters who signed the roster;
4. Print a minimum of 2 copies of the election results. (Note: during early voting, *do not* print out the precinct results tape.);
5. The presiding judge, an election clerk, and not more than 2 poll watchers, if one or more are present, must sign the election results;
6. Follow the instructions of the authority conducting the election, but if directed to do so, remove the memory card, or other device which stores the election totals, from the accessible voting device, and document breaking of the seal to remove the memory card (we recommend this be documented by two election officials);
7. Place copies of the election results as instructed by the authority conducting the election;
8. If applicable, place the memory card in a secure container as instructed by the authority conducting the election;
9. Disconnect the electronic voting equipment;
10. Disassemble the voting equipment, if instructed by the authority conducting the election;
11. Complete the paperwork;
12. Secure the equipment and other election materials from any unauthorized access;
13. The authority conducting the election will provide detailed instructions on how, when, and where to return the voting system equipment and supplies.

CHAPTER 5

CLOSING AND SECURING THE POLLING PLACE

NOTE: At the end of Election Day, the various forms that came out of the Election Kit at the beginning of the day must be distributed to appropriate authorities in particular envelopes (5) and ballot boxes (Nos. 3 & 4). Leftover forms go back into the Election Kit. Signage can be taken down and placed in Ballot Box No. 4. The local authority conducting the election will provide detailed instructions to supplement the procedures provided in this Chapter.

SECTION A. CLOSING THE POLLING PLACE

1. Officially close and lock the door to the polling place at 7:00 p.m. [Sec. 41.031(a)]
2. If people are waiting in line to vote at 7:00 p.m., they must be allowed an opportunity to present themselves for voting. [Sec. 41.032]
 - a. Have all the people enter the polling place, if possible, and lock the door.
 - b. If it is not possible to get all of the people waiting in line into the polling place, position an election official after the last person in line at 7:00 p.m., or
 - c. Distribute numbered identification cards, tokens, etc. to people waiting in line at the time for official closing of the polls. [Sec. 41.032(b)]

3. After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. [Sec. 65.015(a)]

NOTE: The authority conducting the election may require or prohibit such announcements. [Sec. 65.015]

4. *After the polls close in the general primary election, the presiding judge delivers the second list of registered voters to the precinct chair for use in qualifying precinct convention participants.* [Sec. 172.1141]
5. The election records are placed in the appropriate envelopes or containers as prescribed below depending on the type of voting method used: precinct optical scan/accessible voting equipment (e.g., DRE), precinct counter/tabulator, central counting optical scan, and hand counted paper ballots.
6. The presiding judge must deliver Envelope No. 1 to the presiding officer of the local canvassing authority. If that officer is unavailable, the envelope shall be delivered to the general custodian of election records for delivery to the presiding officer before the time set for the local canvass of the election. [Sec. 66.051(a)]
7. The presiding judge shall retain Envelope No. 3. [Sec. 66.051(c)]
8. The presiding judge must deliver Envelope No. 4 to the Voter Registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the Voter Registrar. [Sec. 66.051(d)]
9. The presiding judge must deliver the keys for Ballot Box No. 3 or other secured container, to:
 - a. The sheriff for an election ordered by the governor or a county authority or for a *primary election*. [Sec. 66.060(a)(1)]

NOTE: In a year in which the office of sheriff appears on the ballot, the key is delivered to the county judge, unless the office of county judge is also on the ballot, in which case the key is delivered to the county auditor, or to a member of the commissioners court who is not on the ballot and who is appointed by the court, if the county does not have a county auditor. [Sec. 66.060(a)(1)]

- b. The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]

- c. The constable of the justice precinct in which the governing body's office is located, or if the constable's office is vacant, to the sheriff of the county for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]

10. Time.

- a. Records must be delivered to the appropriate authority immediately after the precinct returns are completed. [Sec. 66.053(a)]
- b. When counting at the precinct level, if the judge determines that the ballots will not be counted in time to permit delivery of the records by 2:00 a.m. of the day following the election, he or she must notify the general custodian of election records by telephone between midnight of election day and 1:00 a.m. of the following day of:
 - The total number of voters voting as indicated by the poll list;
 - The vote totals tallied for each candidate and for and against each measure at the time of notification;
 - Total number of provisional votes; and
 - The expected time of finishing the count. [Sec. 66.053(b)]
- c. In every election, the precinct election records must be delivered to the appropriate authorities not later than 24 hours after the polls close. [Sec. 66.053(c)]

11. Poll watchers may accompany election officials delivering election records. [Sec. 33.060]

- If delivery is made in a vehicle, it is sufficient to allow the watcher to follow in a different vehicle and to drive in such a manner that the watcher is able to keep the delivery vehicle in sight.

12. Records must be delivered to the appropriate authorities immediately after the precinct returns are completed and in any case not later than 24 hours after the polls close. [Sec. 66.053(c)]

SECTION B. DISTRIBUTION OF ELECTION RECORDS WHEN OPTICAL SCAN BALLOTS ARE TABULATED AT POLLING PLACE OR DRES ARE USED

1. Copies of poll lists.

- There must be three copies of the poll list (four copies of combination form, if used). [Sec. 63.003(b)]

2. Five envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] *(The fifth envelope is for the Statement of Compensation and is delivered to the county chair, along with Envelope No. 1.)*

- a. Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
 - County judge (general election or election held by the county).
 - *County chair (primary election).*
 - Mayor (municipal election).
 - Presiding officer of the governing board (other elections).
- b. Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
 - County clerk or county elections administrator (general election, election held by the county, or *primary election*).
 - City clerk or secretary (municipal election).

- The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).
 - c. Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
 - d. Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
 - e. *Envelope No. 5 is addressed to the County Chair.*
 - f. Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]
3. The records of the election must be distributed as follows:
- a. Contents of Envelope No. 1: [Sec. 66.022]
 - Printout of results tape(s).
 - b. Contents of Envelope No. 2: [Sec. 66.023]
 - (1) Printout of results tape(s);
 - (2) The original of the poll list (or combination form);
 - (3) Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174]
 - (3) The signature roster (or combination form);
 - (4) The precinct early voting list;
 - (5) Any certificates of appointment of poll watchers;
 - (6) Affidavit of Voter Without Voter registration certificate;
 - (7) Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]

NOTE: The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

 - (8) The notice of the number of voters who voted during the day;
 - (9) Notice of Defective Delivery;
 - (10) Oaths of Election Officials; and
 - (11) Oaths of Assistance and Oaths of Interpreters.
 - c. Contents of Envelope No. 3: [Sec. 66.024]
 - (1) Printout of results tape(s);
 - (2) A copy of the poll list;
 - (3) Copy of List of Provisional Voters;
 - (4) A copy of the ballot register;

- (5) A copy of the ballot and seal certificate; and
- (6) A copy of the Statement of Compensation.
- d. Contents of Envelope No. 4: [Sec. 66.0241]
 - (1) Precinct list of registered voters and supplemental list, if any;
 - (2) The registration correction list, if any;
 - (3) The registration omissions list;
 - (4) Affidavits of voter with incorrect certificate who is not on list; [Sec. 63.007])
 - (5) Any Statements of Residence completed at the polling place;
 - (6) List of ID Voters; and
 - (7) Copy of Combination Form, if used instead of individual affidavits.
- e. Contents of Envelope No. 5:
 - *Original of the Statement of Compensation in a Primary Election.*
- f. Contents of Box (optical scan or emergency paper ballots for accessible equipment, if any): [Sec. 66.025]
 - (1) Voted ballots;
 - (2) Provisional Ballots and provisional ballot envelopes;
 - NOTE:** Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Code or has been approved by the Secretary of State.
 - (3) A copy of the poll list (or combination form); and
 - NOTE:** If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]
 - (4) The original of the ballot and seal certificate.
 - (5) Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).
- g. Contents of Ballot Box No. 4: [Sec. 66.026]
 - (1) Printout of results tape(s) (Note: the printout in Envelope #2 should be sufficient enough to avoid placing a set in Ballot Box No. 4; see authority conducting election for further direction);
 - (2) The original of the ballot register;
 - (3) Voted Provisional Ballots sealed in Provisional Envelopes (unless directed otherwise by authority conducting the election;
 - (4) The register of spoiled ballots;
 - (5) Any spoiled ballots;
 - (6) Any defectively-printed ballots;
 - (7) Any envelope containing cancellation requests and cancelled ballots; and
 - (8) Any other unused ballots.
 - NOTE:** *For the general primary election, the second list of registered voters is given to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141]*

SECTION C. DISTRIBUTION OF ELECTION RECORDS WHEN BALLOTS ARE TABULATED AT CENTRAL COUNTING STATION

1. Copies of poll lists.
 - There must be three copies of the poll list (four copies of combination form if used). [Sec. 63.003(b)]
2. Five envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] *(The fifth envelope is for the Statement of Compensation and is delivered to the county chair, along with Envelope No. 1.)*
 - a. Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
 - County judge (general election or election held by the county).
 - County chair (primary election).
 - Mayor (municipal election).
 - Presiding officer of the governing board (other elections).
 - b. Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
 - County clerk or county elections administrator (general election, election held by the county, or primary election).
 - City clerk or secretary (municipal election).
 - The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).
 - c. Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
 - d. Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
 - e. *Envelope No. 5 is addressed to the County Chair.*
 - f. Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]
3. The records of the election must be distributed as follows:
 - a. Contents of Envelope No. 1: [Sec. 66.022]
 - No records from election precinct since no votes are counted at the precinct.
 - b. Contents of Envelope No. 2: [Sec. 66.023]
 - (1) The original of the poll list;
 - (2) Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174]
 - (3) The signature roster;
 - (4) The precinct early voting list;
 - (5) Any certificates of appointment of poll watchers;
 - (6) Affidavit of Voter Without Voter registration certificate;
 - (7) Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]

NOTE: The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to

whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

- (8) The notice of the number of voters who voted during the day;
 - (9) Notice of Defective Delivery;
 - (10) Oaths of Election Officials; and
 - (11) Oaths of Assistance and Oaths of Interpreters.
- c. Contents of Envelope No. 3: [Sec. 66.024]
- (1) A copy of the poll list;
 - (2) Copy of List of Provisional Voters;
 - (3) A copy of the ballot register;
 - (4) A copy of the ballot and seal certificate; and
 - (5) A copy of the Statement of Compensation.
- d. Contents of Envelope No. 4: [Sec. 66.0241]
- (1) Precinct list of registered voters and supplemental list, if any;
 - (2) The registration correction list, if any;
 - (3) The registration omissions list;
 - (4) Affidavits of voter with incorrect certificate who is not on list; [Sec. 63.007]
 - (5) Any Statements of Residence completed at the polling place;
 - (6) List of ID Voters; and
 - (7) Copy of Combination Form, if used instead of individual affidavits.
- e. Contents of Envelope No. 5:
- *Original of the Statement of Compensation in a Primary Election.*
- f. Contents of Pre-locked, Pre-sealed Ballot Box: [Sec. 66.025]
- (1) Voted ballots;
 - (2) Provisional Ballots and provisional ballot envelopes;
- NOTE:** Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Code or has been approved by the Secretary of State.
- (3) A copy of the poll list; and
- NOTE:** If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]
- (4) The original of the ballot and seal certificate.

(5) Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).

g. Contents of Ballot Box No. 4: [Sec. 66.026]

- (1) The original of the ballot register;
- (2) Voted Provisional Ballots sealed in Provisional Envelopes (unless directed otherwise by authority conducting the election;
- (3) The register of spoiled ballots;
- (4) Any spoiled ballots;
- (5) Any defectively-printed ballots;
- (6) Any envelope containing cancellation requests and cancelled ballots; and
- (7) Any other unused ballots.

NOTE: For the general primary election, the second list of registered voters is given to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141]

4. The presiding judge must deliver Envelope No. 1, which will be empty, seal Envelope No. 2, seal the opening slot to Ballot Box No. 3, and lock Ballot Box 4 as soon as they are ready for distribution. [See generally, Chapter 66 of the Texas Election Code]

5. Delivery of Ballot Boxes.

a. A certificate (seal certificate) stating the number of the seal to be placed on the pre-locked, pre-sealed ballot box and the number of voted ballots placed in the container must be made out in duplicate (2 copies), signed by the presiding judge, election clerk, and two poll watchers of opposing interest (if present). [Sec. 127.036]

-- Place the original of this certificate in the pre-sealed, pre-locked ballot box.

-- Retain the other copy of the certificate with the election records in Envelope No. 3.

NOTE: If pre-locked, pre-sealed ballot boxes are used, you must still complete the ballot and seal certificate. This form notifies the central counting station personnel of how many ballots were cast at the polling place. Therefore, if the machine ballot count is different from the number of ballots cast, central count personnel will be on notice that there may be a tabulating problem.

b. Seal the slot of the pre-sealed, pre-locked ballot box. If the container is a ballot box with an opening through which voted ballots can be deposited, the opening must be sealed with a paper seal and signed by the presiding judge, an election official, and two watchers of opposing interest (if present). [Sec. 127.036 (for prepared ballot boxes) and Sec. 127.066 (for sealed ballot boxes)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.

c. After the ballot container is sealed, two election officials must immediately deliver the ballot container to the central counting station.

-- Poll watchers may accompany election officials delivering ballot container(s). If delivery is made in a vehicle, an election official complies with this section if the official permits the watcher to follow in a different vehicle and drives in a manner that enables the watcher to keep the vehicle in sight. [Sec. 33.060]

-- Exchange the ballot box for a receipt signed by the presiding judge of the central counting station or his or her designee.

- d. Ballot Box No. 4 and its key are delivered to the general custodian of election records. [Sec. 66.051(b)]
6. The presiding judge retains Envelope No. 3. [Sec. 66.003(b)(3)]
7. *Envelope No. 5 is delivered to the county chair.*
8. *After the polls close in the general primary election, the presiding judge delivers the second list of registered voters to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141]*

SECTION D. MAKING OUT RETURNS AND DISTRIBUTION OF ELECTION RECORDS WHEN HAND COUNTED PAPER BALLOTS ARE USED

1. Making out the returns.
 - a. After all ballots are counted, each tally list must be totaled and signed by the counting officer keeping it. If more than one officer has kept one particular list, each officer signs upon finishing. [Sec. 65.005(c)]
 - b. Total each tally list to obtain the total number of votes cast for each candidate and/or for or against each proposition.
 - c. The presiding judge must make out and sign all copies of the returns. [Sec. 65.014(c)]
2. Distribution of election returns, poll lists, and tally lists.
 - a. There must be four copies of the returns. [Sec. 65.014(c)]
 - b. There must be three copies of the poll list (or four copies of the combination form). [Sec. 63.003(b)]
 - c. There must be three originals of the tally list. [Sec. 65.005]
3. Four envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] (*Five in a primary election. The fifth envelope is recommended for the Statement of Compensation and is delivered to the county chair with Envelope No. 1.*)
 - a. Envelope No. 1 is addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
 - County judge (general election or election held by the county).
 - *County chair (primary election).*
 - Mayor (municipal election).
 - Presiding officer of the governing board (other elections).
 - b. Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
 - County clerk or county elections administrator (general election, election held by the county, *primary election*).
 - City clerk or secretary (municipal election).
 - Secretary of the governing board, or if none, the presiding officer of the governing board (other elections).
 - c. Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
 - d. Envelope No. 4 is addressed to the voter registrar. [Sec. 66.003(b)(4)]

e. *Envelope No.5 is addressed to the County Chair.*

4. The records of the election must be distributed as follows:

a. Contents of Envelope No. 1. [Sec. 66.022]

- (1) The original of the election returns for the precinct.
- (2) One copy of the tally list.

b. Contents of Envelope No. 2. [Sec. 66.023]

- (1) A copy of the precinct returns.
- (2) A copy of the tally list.
- (3) The original of the poll list (or combination form).
- (4) The Original of the List of Provisional Voters.
- (5) The signature roster (or combination form).
- (6) The precinct early voting list.
- (7) Any certificates of appointment of poll watchers, if any.
- (8) Affidavit of Voter Without Certificate Who Is On List.
- (9) Original Statement of Compensation (in some circumstances). [Sec. 32.094]

NOTE: The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery of the statement of compensation may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

(10)The notice of the number of voters who voted during the day.

(11)Notice of Defective Delivery.

(12) Oaths of Election Officials.

(13) Oaths of Assistance and Oaths of Interpreters.

c. Contents of Envelope No. 3. [Sec. 66.024]

- (1) A copy of the precinct returns.
- (2) A copy of the poll list (or combination form).
- (3) A copy of the ballot register.
- (4) A copy of the Statement of Compensation.

d. Contents of Envelope No. 4. [Sec. 66.0241]

- (1) Precinct list of registered voters and supplemental list, if any.
- (2) The registration correction list, if any.
- (3) The registration omissions list.

- (4) Affidavit of voter with incorrect certificate who is not on list. [Sec. 63.007]
- (5) Any Statements of Residence completed at the polling place.
- (6) List of ID Voters.
- (7) A copy of Combination Form, if used instead of individual affidavits.

e. *Contents of Envelope No. 5.*

-- *A copy of the Statement of Compensation in a Primary Election.*

f. Contents of Ballot Box No. 3. [Sec. 66.025]

- (1) Voted ballots.
- (2) Original of Precinct Returns.
- (2) Cast ballots, regardless of counting decisions made.
- (3) A copy of the tally list.
- (4) A copy of the poll list (or combination form).

NOTE: If the poll list is too large for Ballot Box No. 3, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]

g. Contents of Ballot Box No. 4. [Sec. 66.026]

- (1) The original of the ballot register.
- (2) Voted provisional ballot affidavit envelopes.
- (3) The register of spoiled ballots.
- (4) Any spoiled ballots.
- (5) Any defectively-printed ballots.
- (6) Any envelope containing cancellation requests and cancelled ballots.
- (7) Any other unused ballots.

h. *At the general primary election, the second list of registered voters is given to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141]*

5. Manner and time of delivery of records.

- a. The presiding judge must deliver Envelope No. 1 in person to the presiding officer of the local canvassing authority, or if that officer is unavailable, to the general custodian of election records. [Sec. 66.051(a)]
- b. The presiding judge must deliver in person Envelope No. 2, Ballot Box No. 3, and Ballot Box No. 4, with its key, to the general custodian of election records. [Sec. 66.051(b)]
- c. The presiding judge retains Envelope No. 3. [Sec. 66.051(c)]
- d. The presiding judge must deliver Envelope No. 4 in person to the voter registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the voter registrar. [Sec. 66.051(d)]
- e. The judge delivers the key to Ballot Box No. 3 to:

- (1) The sheriff for an election ordered by the governor or a county authority or for a *primary election*, unless the sheriff is on the ballot, in which case the key is delivered to the county judge. If both the sheriff and the county judge are on the ballot, the key is delivered to the county auditor, or if the county does not have a county auditor, to a member of the commissioners court, designated by the court, who is not on the ballot. [Sec. 66.060(a)(1)]
 - (2) The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]
 - (3) The constable of the justice precinct in which the governing body's office is located, or if the constable's office is vacant, to the sheriff of the county, for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]
- f. *Envelope No. 5 is delivered to the County Chair.*
- g. *After the polls close in the general primary election, the presiding judge delivers the second list of registered voters to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141]*

SECTION E. SECURING THE POLLING PLACE

1. Gather all forms, rubber stamp(s), stamp pad(s), and markers from the voter acceptance table(s) and place them in the box for election supplies. The presiding judge must follow the directions of the authority responsible for furnishing the supplies regarding their assembly and return. [Sec. 66.062(a) and (b)]
2. Complete the Register of Official Ballots and Register of Spoiled Ballots. [Sec. 65.013]
 - a. Make sure the total number of ballots received for the polling place has been recorded.
 - b. Enter the number of ballots provided to voters as indicated by the number of voters on the poll list.
 - c. Collect and count the number of unused ballots.
 - d. Enter the number of unused ballots on the Register of Official Ballots.
 - e. Count the number of spoiled and defectively-printed ballots in Ballot Box No. 4, and enter these numbers on the Register of Official Ballots.
 - f. Enter the number of Provisional Ballots cast as shown on the List of Provisional Voters. [1 T.A.C. § 81.175]
 - g. Place all unused ballots, spoiled and defective ballots, the original of the Register of Official Ballots, the Register of Spoiled Ballots, Requests to Cancel Application for Ballot by Mail, and unmarked ballots into Ballot Box No. 4. [Sec. 66.026]
3. Take down distance markers and sample ballots, gather instruction posters, voter information posters, voter complaint information poster and lists of declared write-in candidates, if any, and place them in the box for unused election supplies. (Ballot Box No. 4.)
4. *Take down the party sign (Primary Election) and place it in the box for unused election supplies.*
5. Secure polling place for the night as directed by the local authority.

REQUEST FOR PROPOSAL NUMBER 12111

HELP AMERICA VOTE ACT OF 2002 ("HAVA") VOTER EDUCATION AND OUTREACH OPPORTUNITIES

SECTION ONE INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE REQUEST FOR PROPOSAL (RFP)

It is the intent of the Office of Secretary of State ("SOS") to obtain proposals to provide continuing voter education and outreach consistent with the Help America Vote Act of 2002 ("HAVA") to educate and train Texans on the voting and election process in Texas. The voter outreach program should focus on, but not be limited to, four areas: (1) How to register to vote; (2) How to comply with Photo ID requirements; (3) Polling place processes and procedures; and (4) How to properly cast a ballot.).

It is the further intent of the SOS to select a proposer to perform research, marketing, production, advertising, communication services and other assistance necessary for successful voter education and outreach. The selected will be the prime source for all services under the contract (though, as further described below, HUB subcontracting is encouraged) and will use communications strategies and messages that are at all times commensurate with the dignity of the State of Texas.

1.2 BACKGROUND INFORMATION

On October 29, 2002, President Bush signed HR 3295, the Help America Vote Act ("HAVA"). This federal legislation was in response to the voting irregularities experienced during the 2000 federal election and created many new mandates for state and local government as well as appropriated funding to the states to assist with implementation and compliance.

Some of the central requirements of HAVA are listed below:

- The state must maintain an official list of registered voters and must verify the identification numbers of all new voter applicants;
- Each polling place in the state must have at least one voting system per polling place that is accessible to persons with disabilities;
- Voters, whose names do not appear on the voter registration roll, must be allowed to vote a provisional ballot, which is not counted until the voter's eligibility is verified after the election;
- Federal Postcard Applications may under specified circumstances now serve to permanently register the voter as well as serve as a request for a ballot in a limited number of election cycles; and
- The state establishes and maintains a state-based administrative complaint process for voters who file a sworn complaint that their voting rights have been violated.

1.3 CONTRACT TERM

The term of any contract resulting from this RFP shall be from contract award until January 31, 2013, subject to any termination rights provided for in a definitive contract negotiated between SOS and the Contractor. The term of this contract includes both Phase I and Phase II, as set forth in more detail in Section 1.5 of this RFP.

1.4 FUNDING AND ELIGIBLE USES

This project will be financed with federal funding. Below are the statutory sources, the federal awarding agencies, and the eligible funding activities. The project budget must include a description of how each deliverable satisfies one or more of the eligible uses listed below. The state anticipates funding three to five percent of the project from Source 2 (accessibility funds);

however, accessibility-related activities may amount for more than five percent of the project activities (Source 1 will cover the balance).

Statutory Authority: Help America Vote Act ("HAVA"), Public Law 107-252, October 29, 2002; 42 U.S.C. 15301

Federal Awarding Agencies: Source 1, US Election Assistance Commission ("EAC"); Source 2, US Department of Health and Human Services ("HHS")

Source 1: Title I, Section 101 of HAVA; Title II, Section 251 of HAVA (95% federal funding / 5% state match)

Source 2: Title II, Section 261 of HAVA

Eligible Activities Source 1:

Educate voters concerning voting procedures and voting rights which may include –

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- Instruction on presenting required photo identification at the polls, per SB 14, 82nd Legislative Regular Session;
- Instructions on how to obtain an election identification card;
- Instructions for mail-in registrants;
- General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;
- General information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation;
- General information regarding the statewide voter registration database, Texas Election Administration Management (TEAM) System, including public utilization; and

Eligible Activities Source 2:

Educate voters regarding accessibility issues which may include –

- Educating the disability community about how and when to register to vote, apply for ballots by mail, where to vote during early voting or on election day, the right to a secret ballot under state law, and methods of voting using available accessible voting machines in certain counties;
- Working with disability advocacy groups based upon the quality and extent of their proposed voter outreach programs for the disabled;
- Working with disability advocacy groups to develop additional, innovative approaches to voter outreach programs for the disabled; and
- Ensure that training materials are available in a number of accessible formats.

1.5 PROJECT DESCRIPTION AND REQUIREMENTS

1.5.1 Scope and Requirements

It is expected that project requirements for both Phase I and Phase II will be substantially similar, except that Phase I will seek to educate and communicate with Texas voters in the March 2012 primary election (and any subsequent run-off), and Phase II will seek to educate and communicate with Texas voters in the November 2012 general election. Additionally, it is expected that the activities in Phase I will incorporate approximately 40% of the allocated budget and Phase II approximately 60%. Consistent with the broad goals set forth in Section 1.1 of this RFP, and the foregoing, specific tasks to be implemented may include, but are not limited to, the following:

- Develop overall concept and design of voter education materials consistent with current branding/VOTEXAS;
- Provide creative consultation and production consultation with SOS;
- Research, plan and develop voter information/outreach strategies, messages and materials for the general statewide voting population, and various subgroups such as the Spanish-speaking population, special needs population, and young and elderly voters;
- Research, plan, develop and implement strategies, messages and materials to inform the statewide voting population and targeted subgroups of the photo identification requirements and processes as a result of Senate Bill 14;
- Plan, design and produce educational voter information/outreach materials in multiple formats, including television, print, radio, electronic formats, Internet and in video formats that are research-based and appropriate for selected venues and media;
- Update the VOTEXAS.org web site as requested by SOS. Updating the SOS main website, www.sos.state.tx.us, is a responsibility of SOS;
- Make recommendations to and assist the SOS as necessary with comprehensive media and community relations support to plan, coordinate, advertise and successfully execute all voter education and outreach events;
- Following coordination and approval by SOS, solicit support and involvement of appropriate partner organizations to maximize voter education and outreach;
- Plan and implement innovative and effective special events and activities that engage the public in meaningful ways and achieve desired results;
- Develop and implement social media opportunities as a way to supplement traditional communications methods to inform all Texans of the registration and voting process;
- Coordinate with the Secretary of State's Office and local election officials to plan, develop, schedule and implement possible voter education telethons that maximize citizen participation;
- Develop materials and activities to enhance participation of military and overseas voters in the opportunities provided through the Military and Overseas Voting Empowerment (MOVE) Act;
- Weekly update meetings, status reports, detailed activity reports for prior weeks, and possible oral presentations to SOS executive staff on a regular basis;
- Provide Awareness Tracking at various stages of the program. Benchmark tracking shall be provided prior to Phase I followed by awareness tracking after Phase I and II. SOS will review awareness tracking after both phases to determine effectiveness of the level of awareness of the program and dissemination of the messages to the public. Contractor may be required to improve and/or modify delivery of messages. SOS Awareness Tracking shall include the engagement of an independent subcontractor, approved by SOS, to conduct awareness tracking. The subcontractor shall provide SOS a copy of the raw data (in electronic form) from the evaluation, as well as a written narrative report. The effectiveness of the program will be analyzed in light of the following:
 - Quality and level of recall for the advertising;
 - Ways in which attitudes about voting have been altered;
 - Key demographic characteristics of target markets/audiences; and
 - Level of awareness and understanding of:

- How to register to vote;
 - Photo ID required by SB14
 - Polling place processes and procedures;
 - How to properly cast a ballot; and
 - MOVE Act;
- Collaborate with SOS and Contractor's research firm to identify and meet research needs, including reviewing survey instruments, discussion guides, and other research tools, preparing concepts or storyboards to test with members of the target audience(s) and applying research findings to overall marketing, advertising and public information strategies;
- Provide media placement at a level established by mutual agreement with SOS and the Contractor;
- Purchase media time or space for programs and messages appropriate to the identified target audience(s). Advertising media may include, but not be limited to:
 - Print, television, and radio advertisements;
 - Outdoor (billboards);
 - Public transit;
 - Internet projects;
 - Soliciting free media time or space for public service announcements as appropriate; and
 - Maintaining records of all contractor-assisted and non-assisted placements, including all print, audio-visual and Internet publicity;
- Provide reports on the types and amount of complimentary promotional assistance provided;
- Evaluate marketing, advertising and public information activities and campaigns for effectiveness using appropriate evaluation processes and measurements. This may include tracking awareness, attitudes, and practices of target audience(s) during various stages of campaigns and activities to determine effectiveness in achieving desired goals, objectives and outcomes;
- Using methods established by mutual agreement between the SOS and the Contractor, to calculate and report, if requested and approved by SOS, the earned media value for all publicity generated;
- In addition to conducting long term planning to ensure a successful project, the Contractor must effectively address unexpected or unforeseen communication issues, opportunities and needs with regard to voter education issues as requested or identified by SOS, and have budget contingencies for such issues and needs; and
- Develop and produce four (4) copies of a final report that summarizes the overall voter education and outreach project, including summaries of research, overall project concept, copies (or storyboards) of all final ads and final project materials, media placement, added value media, event summaries, telethon summaries and partnership activities.

Additionally, the Contractor shall:

- Adhere to the SOS Terms and Conditions identified in this solicitation including (without limitation) any portion of the "Contract" as defined in this solicitation or its attachments;
- Provide all labor, materials and equipment necessary to meet requirements of the specified services throughout the term of the Contract;
- Promptly notify SOS in writing of events which have a significant impact on Contractor production, including:
 - Problems, delays or adverse conditions which will prevent the meeting of time or work schedules;
 - Favorable developments which will enable meeting time or work schedules sooner than anticipated; and
 - Provide project briefings upon request.

1.5.2 General Personnel Requirements

The proposer shall have a Project Manager whose primary responsibility shall be the day-to-day operation of the service in accordance with the requirements of the Contract arising out of this RFP:

- Proposer shall utilize permanent staff members;
- Proposer's personnel shall effectively communicate orally and in writing; and
- Refer to Section 3.6, Experience and Capability.

1.5.3 Additional Service Requirements

The Contractor shall:

- Have the ability to begin work on this project within 15 days of award of the purchase order or on the agreed upon date between SOS and the Contractor;
- Recommend and develop strategies to most effectively achieve desired results through the creation of marketing, advertising and public information campaigns, initiatives and activities;
- Provide professional marketing, advertising and communications services to implement strategies and assist SOS in managing communication issues as they arise;
- Develop targeted information campaigns and activities consistent with the Help America Vote Act of 2002. Applicable marketing, advertising and public information services may include, but not be limited to determining appropriate goals, objectives and strategies for achieving desired outcomes, including identifying concepts, messages, target audiences, activities, rationale and justification for activities, research needs, evaluation processes and measurements, media markets, and all other activities associated with the recommended strategies; and
- When appropriate, and as required by SOS, the Contractor shall coordinate activities with county election officials, other SOS contracted firms, other state agencies, election advisory committees, and local, regional and state-wide election associations and organizations involved with or affected by services provided under this contract.

1.5.4 SOS Responsibilities

SOS will provide management oversight and written advance approval of all work projects performed by the Contractor and its subcontractors including, but not limited to, release or implementation of any material developed. SOS will provide specific outline of duties with billing instructions per activity prior to activity being undertaken.

SOS will schedule meetings with the Contractor to monitor progress of work.

SOS will provide advance written approval or disapproval of Contractor's key personnel assigned to the Voter Education and Outreach Program, including any personnel changes.

SOS will evaluate all Contractor services and work products for quality and compliance with the applicable contract requirements.

1.6 PROPOSAL EVALUATION AND CONTRACT AWARD

The SOS will conduct a fair, comprehensive and impartial evaluation of all proposals received in response to this RFP using an evaluation committee, and final decision-making authority with respect to the selection of a Contractor rests with the Secretary of State. The evaluation committee will be selected by the Secretary of State and may consist of SOS employees or outside individuals with expertise in particular areas. SOS's General Counsel, other in-house legal counsel, and outside legal counsel may assist by advising the evaluation committee or sitting on the committee at the request of the Secretary of State.

Each member of the evaluation committee will conduct an independent review of each proposal submitted. All persons involved in this RFP process will sign a non-disclosure statement. The evaluation committee will make a recommendation based on the procedures set forth in Section 4.2 of this RFP to the Secretary of State concerning its belief which proposers merit further consideration. Selected proposer(s) may be requested to perform oral presentations, as more fully set forth below in Section 1.7 of this RFP. SOS may request some or all proposers to make one or more oral presentations.

SOS may request clarification of information or representations in a proposal before completing the initial evaluation. Refer to Page 1 regarding proposer responses to inquiries and requests.

1.7 ORAL PRESENTATIONS

Proposers may be required to make one or more oral presentations. Proposers must be prepared to be available for such a presentation(s), if requested.

Each Proposer invited to make an oral presentation will be allowed one hour for the presentation, and an additional one half-hour will be provided for questions from SOS. A schedule will be provided to proposers making an oral presentation giving the exact time of each stage of presentation.

The order of participation in oral presentations will be determined at random. Oral presentations must substantially represent material included in the original written proposal, with emphasis placed on the creative response aspects of the proposed solution.

Members of the evaluation committee, the Secretary of State and other individuals selected by SOS may be present during the oral presentations. Oral Presentations will be held at the offices of the Office of Secretary of State in Austin, Texas. A total of four (4) individuals representing a proposer will be allowed during a presentation.

2.2 SCHEDULE / CRITICAL DATES

DATE	EVENT
October 3, 2011	Expected issuance of RFP and publication in the Electronic State Business Daily portion of the Texas Marketplace
October 17, 2011	Notice of Intent to submit a proposal is due in the SOS Purchasing Department at 5:00 p.m., local time, Austin, TX
October 24, 2011	Questions from Proposers due in SOS Purchasing Department
October 27, 2011	SOS responses to questions from proposers answered and posted to ESDB
November 9, 2011	Proposal is due in SOS Purchasing Dept. at 5:00 P.M., local time, Austin, TX
November 17, 2011	Proposals evaluated by SOS evaluation team
Dec. 5 - 12, 2011	Oral Presentations performed and evaluated by evaluation team
December 15, 2011	Contract award
January 4, 2012	Project start date
On or prior to February 6, 2012	Phase I completed
On or prior to October 5, 2012	Phase II completed
January 31, 2013	Ending date of contract

**IT SHOULD BE NOTED THAT THE SECRETARY OF STATE MAY VARY ALL OF
THESE DATES AS CONDITIONS REQUIRE.**